

### REMARKS

In the Office Action mailed June 25, 2003, the Examiner rejected claims 1-20. By way of the foregoing amendments and the markings to show changes, Applicants have amended claims 1, 10 and 20. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

#### I. Double Patenting

The Office Action rejected claims 1-20 for "double patenting" in view of U.S. Patent Application serial no. 10/301,948. Applicants have submitted herewith a terminal disclaimer to overcome the "double patenting" rejection.

#### II. Rejection under 35 U.S.C. 101

The Office Action rejected claims 1-20 under 35 U.S.C. 101, "as claiming the same invention as that of claim 20-39 of copending Application No. 10/301,948." In this regard, Applicants point out that both the epoxy component and the amine component of claims 1-20 of the present application include a thixotropic filler while this is not the case for claim 20-39 of copending Application No. 10/301,948. Thus, the claims differ in scope and Applicants assert that the rejection under 35 U.S.C. 101 should be withdrawn.

#### III. Rejection under 35 U.S.C. 102 and 103

The Office Action rejected claims 1-20 under 35 U.S.C. 102 and/or 103 in view of U.S. Patent 4,923,902 to Wycech (hereinafter referred to as Wycech). In this regard applicants point out that Wycech appears to be consistently mixing a first dough and a second dough as recited in claim 1 of the Wycech reference. Wycech does not appear to be mixing an epoxy component in substantially liquid form with an amine component in substantially liquid form as recited in the present application. Additionally, it does not appear that Wycech discloses the use of an aramid pulp as a thixotropic filler as recited in at least claim 10 and claim 20 of the present application. As suggested by the specification of the present application, the aramid pulp is

particularly effective for producing a shear thinning effect for the reactive mixture of the present application.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

### **CONCLUSIONS**

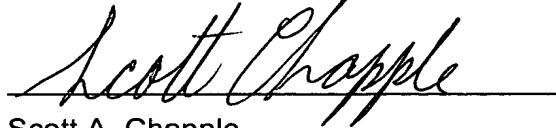
In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 593-9900.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an

extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: 9-18, 2003

Respectfully submitted,

A handwritten signature in black ink, reading "Scott Chapple", is written over a horizontal line.

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